

BILL NO. 22-2019

ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA,  
AMENDING ARTICLE 951 OF THE CITY OF BETHLEHEM  
CODIFIED ORDINANCES RELATING TO PEDSTRIAN MALLS AS A  
RESULT OF THE ENACTMENT OF NEW ARTICLE 961 RELATING  
TO SPECIAL EVENT ACTIVITY PERMITS, DEMONSTRATIONS,  
AND USE PERMITS

THE COUNCIL OF THE CITY OF BETHLEHEM DOES HEREBY ORDAIN AND ENACT  
THE FOLLOWING ORDINANCE:

**Section 1.** Article 951 of the City of Bethlehem Codified Ordinances relating to Pedestrian Malls is hereby amended to read as follows (underlined text denotes additions to existing Article 951, whereas ~~strikeouts~~ denote deletions from existing Article 951):

951.01 DEFINITIONS AND BOUNDARIES.

As used in this article, certain terms are defined as follows:

(a) "Director" shall mean the Director of Public Works for the City of Bethlehem, or his/her designee.

(b) "Pedestrian Malls" shall mean:

- (1) The Hinge Block which shall be defined and apply to all the properties to the rear of the structure having frontage upon the south side of Broad Street between Guetter Street and Main Street, the east side of Main Street between Broad Street and Walnut Street, the north side of Walnut Street between Main Street and Guetter Street and the west side of Guetter Street between Walnut Street and Broad Street, as indicated on a map entitled "Layout Plan, Sun Inn Courtyard."

(Ord. 2910. Passed 11/15/83.)

- (2) The City Center Plaza which shall be defined and apply to all the properties contained within the block area bounded on the north side by Church Street and on the south, west and east sides by the perimeter street of New Street.

(Ord. 3129. Passed 7/21/87; Ord. 4222. Passed 12/2/03.)

## 951.02 RULES AND REGULATIONS.

All persons using the Pedestrian Malls shall be subject to all rules and regulations established by the Director of Parks and Public Property Works in addition to those herein set forth. (Ord. 2910. Passed 11/15/83; Ord. 3569. Passed 9/7/93.)

## 951.03 ACTIVITIES

~~———— (a) The Director of Parks and Public Property shall review, and if approved, schedule and grant Activity Permits for all activities on the Pedestrian Malls. (Ord. 4222. Passed 12/2/03)~~

~~———— (b) Activities which may be conducted upon the Pedestrian Malls are those which would: enhance its appearance; generate citizen interest and participation; stimulate commerce; directly or indirectly; and promote community spirit. Subject activities will in no way interfere with the health, safety or welfare of the community, and may include peaceful, orderly exercise of freedom of speech as granted by the First Amendment of the United States Constitution.~~

~~———— (c) All users involved with activities on the Pedestrian Malls shall make application for Activity Permits to the Director of Parks and Public Property and shall be responsible for the cleaning and repair of the Pedestrian Malls to assure that the Malls will be returned to their prior condition. A minimum deposit of Twenty-Five Dollars (\$25.00) shall be required as security for compliance with this provision. Failure to comply with this provision shall result in the City taking such action as is necessary to clean and repair the Malls and restore them to their prior condition. In such case, the City shall charge its costs against the deposit. The balance, if any, will be returned to the user. If the cost exceeds the deposit, the user shall be billed the excess over the deposit. In addition, persons~~(a) Persons sponsoring activities on the Pedestrian Malls where the sponsor reasonably anticipates more than fifty (50) participants shall be required to provide for a certificate of insurance, from a company acceptable to the Law Bureau, providing liability coverage to the applicant and naming the City as an Additional Insured. This insurance requirement may be waived or the amount required may be established in the reasonable discretion of the Law Bureau taking into consideration the number of participants and the nature of the activity.

(db) In addition to the ~~foregoing~~any requirement for ~~an~~ Special Event Activity Permit under Article 961, all persons wishing to place temporary structures upon the Pedestrian Malls shall make application to the Director of Parks and Public Property Works for a Structures Permit for such activity which, if approved, shall be issued upon the payment of a One Hundred Dollar (\$100.00) fee (\$200.00 fee if the activity is food sales) except where the fee is waived as set forth in Subparagraph (eg) below, and compliance with the regulations established by the Director of Parks and Public Property Works. Noncommercial activities employing no more than two (2) tables may take place without the necessity of obtaining the Structures Permit required by this section.

(ec) The application for a Structures Permit shall:

- (1) describe the activity which is contemplated;
- (2) describe in detail the location, dimensions, and type of construction of any structure to be used;
- (3) provide for a Certificate of Insurance, from a company acceptable to the Law Bureau, providing liability coverage to the applicant and naming the City as an additional insured. The insurance shall be in an amount acceptable to the Law Bureau;
- (4) be filed with the Director of ~~Parks and Public Property Works~~ no later than fifteen (15) days prior to the commencement of the activity;
- (5) with regard to the placement of temporary structures in the area extending ten (10) feet beyond the faces of the buildings on the Pedestrian Malls, be granted only to those persons who have legal title to or are lessees, under a Lease entered into at least sixty (60) days prior to the date of the application, of said buildings.

The issuance of a Structures Permit by the Director of ~~Parks and Public Property Works~~ to occupy a location on the Pedestrian Malls shall not supersede other applicable City Ordinances, including those dealing with zoning, health, safety, and fire prevention.

(~~f~~d) Prohibited Acts

~~721(1)~~ No person shall ~~conduct~~ violate any covered activity without first having obtained an Activity Permit and, if applicable, a Structures Permit, provision of this Article.

~~722(2)~~ Each day that a person continues to conduct a covered activity without the required permit(s) violates this Article shall be a considered separate violation punishable in accordance with Section 951.99.

~~723(3)~~ No person shall dispense alcoholic beverages without the express permission of the Director of ~~Parks and Public Property Works~~ and unless he/she has been issued an appropriate License or Permit by the Pennsylvania Liquor Control Board.

~~724(4)~~ There shall be no sale or display of nonfood items on the Pedestrian Malls except:

~~(H)~~(i) outdoor sales conducted by merchants whose business establishments directly abut a Pedestrian Mall as is set forth in subparagraph ~~(eg)~~ below.

~~(H)~~(ii) special events conducted under the auspices of the City or one of its departments, commissions, or boards after notice to the Department of Parks and Public Property Works.

~~(H)~~(iii) \_\_\_\_\_ the noncommercial display or sale for a nominal charge of informational material such as leaflets, buttons, and bumper stickers.

~~(ge)~~ Nothing contained herein shall prohibit retail merchants from conducting outdoor sales or erecting signs which are extensions of the businesses of the properties on the Mall. Activity and Structures Permits for such sales or signs must be secured. However, no fee will be charged. All such outdoor sales shall be conducted and signs erected within ten (10) feet of the face of the building on the Mall and adjacent to the business. Further, this Article shall not prohibit municipal events sponsored by the City, or any of its departments, commissions, or boards.

~~(hf)~~ Vehicular operation, parking, standing, loading, unloading, or delivery shall be prohibited. The Director of ~~Parks and Public Property Works~~, or his designee, shall review special requests, and, if appropriate, schedule and grant final approval authorizing the operation of motor vehicles or trailers on the Pedestrian Malls.

~~(ig)~~ The City shall not be responsible for damages, accidents or incidents which occur as a result of activities conducted on the Pedestrian Malls. (Ord. 3129 §2. Passed 7/21/87; Ord. 3569. Passed 9/7/93.)

#### 951.04 ALCOHOLIC BEVERAGES.

No alcoholic beverages shall be consumed on the Pedestrian Malls except by express permission of City Council. (Ord. 3569. Passed 9/7/93.)

#### 951.05 ANIMALS.

No animals are allowed on the Pedestrian Malls unless specifically authorized. (Ord. 2910 §6. Passed 11/15/83.)

#### 951.06 PEDACYCLES.

(a) Pedacycles may not be ridden on the Pedestrian Malls at any time. They may, however, be walked on the sidewalk area. "Pedacycles" are defined as any vehicle propelled solely by human-powered pedals.

(b) Bicycles shall be parked in the bicycle racks, if provided. (Ord. 2910. Passed 11/15/83.)

#### 951.07 CONDUCT.

Intoxication, indecent language and/or disorderly conduct are prohibited. (Ord. 2564 §8. Passed 5/24/77.)

#### 951.08 FOUNTAINS.

No person shall wade, swim or place any liquids or solid objects in any fountain located on the Pedestrian Malls. (Ord. 2910. Passed 11/15/83.)

#### 951.09 FURNITURE.

Except as otherwise provided herein, no permanent or temporary installation of any type of tables, chairs or other furniture shall be permitted on the Pedestrian Malls except upon the issuance of Activity and Structures Permits. Any permits, if issued, shall provide times and conditions for such use. (Ord. 3569. Passed 9/7/93.)

#### 951.10 LITTERING.

All refuse, rubbish and litter shall be placed in receptacles provided for that purpose. (Ord. 2564 §11. Passed 5/24/77.)

#### 951.11 MALL STRUCTURE PROTECTION.

Any exterior repair, rehabilitation, preventative maintenance and/or renovations that will take place on any building abutting the Pedestrian Malls shall be reviewed by the Director of ~~Parks and Public Property~~ Works to assure adequate protection to the Pedestrian Malls. (Ord. 2910. Passed 11/15/83; Ord. 3569. Passed 9/7/93.)

#### 951.12 POSTING.

No posting of bills, advertisements, signs, etc. is allowed except by permission, except that a temporary sign no larger than ten (10) square feet may be placed on the tables as an adjunct to the noncommercial activities contemplated by Article 951.03(~~bd~~) in such a manner as not to impede pedestrian traffic. (Ord. 2564 §13. Passed 5/24/77; Ord. 3569. Passed 9/7/93.)

#### 951.13 ROLLER SKATES.

No person shall roller skate, ride on a skate board or operate any recreational type device on the Pedestrian Malls nor shall any person permit same to be operated. (Ord. 2910. Passed 11/15/83.)

#### 951.14 SOUND AMPLIFICATION OR MUSICAL INSTRUMENTS.

No person shall use any sound amplification unless specifically authorized. (Ord. 2564 §17. Passed 5/24/77.)

#### 951.15 STORAGE.

No storage of items, material, stock, etc., will be allowed anywhere on or in the Pedestrian Malls except on approval. (Ord. 2910. Passed 11/15/83.)

#### 951.16 SWEEPING.

(a) The sweeping of the Pedestrian Malls will be done by the City. (Ord. 2910. Passed 11/15/83.)

(b) Recessed store entrances, foyers or other areas within the building lines shall at all times remain the responsibility of the tenants or owners who shall maintain them.

(c) The sweeping of refuse or other litter on to the Pedestrian Malls, dumping of refuse, littering on the Pedestrian Malls, or in any way impeding the maintenance of the Pedestrian Malls is prohibited. (Ord. 2910. Passed 11/15/83.)

#### 951.17 SNOW REMOVAL.

(a) Normal snow removal sufficient to provide for and accommodate pedestrian traffic shall be the responsibility of the City. However, access to individual properties from the area cleared by the City shall be the responsibility of each property owner and tenant.

(b) If applicable, de-icing methods and materials shall follow procedures as outlined in the Bethlehem Plaza Manual dated November 23, 1976. (Ord. 2910. Passed 11/15/83.)

#### 951.18 VEHICLES.

(a) No vehicle except those mentioned in subsection (b) hereof shall be permitted on the Pedestrian Malls.

(b) Permitted vehicles are Mall maintenance vehicles, emergency vehicles and delivery trucks.

(c) Delivery trucks shall be limited to two-axle single vehicles.

(d) Deliveries shall be made between the hours of 7:00 A.M. and 10:00 A.M.

(e) The maximum speed of vehicles permitted under this section to operate on the Pedestrian Malls shall be limited to five miles per hour. (Ord. 2910. Passed 11/15/83.)

#### 951.19 VANDALISM.

Cutting, mutilating, removing or the taking away of trees, shrubs and flowers or the removal, defacing or damaging of property is prohibited. (Ord 2564 §22. Passed 5/24/77.)

#### 951.20 VENDING MACHINES.

No vending machines or coin operated amusement devices shall be placed upon the Pedestrian Malls without special permission. (Ord. 2910. Passed 11/15/83.)

#### 951.21 EXISTING ORDINANCES.

All applicable City ordinances now in effect apply to the Pedestrian Malls unless such ordinances are superseded by one of the aforementioned rules and regulations. (Ord. 2910. Passed 11/15/83.)

#### 951.22 POLICE POWERS.

The Department of ~~Parks and Public Property Works~~ and the Department of Police have the authority to police and issue citations for violations of all sections of this Article 951 in accordance with Article 951.99 PENALTY. (Ord. 3569. Passed 9/7/93.)

#### 951.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

(a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;

(b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

(c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both;

(d) Any person who violates Section 951.03 (fh) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$15.00. (Ord. 3569. Passed 9/7/93.)

**Section 2.** All ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by:

\_\_\_\_\_  
\_\_\_\_\_

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor